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## PATENT

Atty. Docket No. 04109.0002.NPUS01

In re Application of

Vladimir Matena, et al.

Serial No.: 10/800307

Filing Date: 12 March 2004

Title: *Method and Apparatus for  
Executing Applications on a  
Distributed Computer System*

Examiner: Unknown

Group Art Unit: 2113

### CERTIFICATE OF MAILING

I hereby certify that the within correspondence and any listed enclosures are being deposited with the United States Postal Service in one box with sufficient prepaid first-class postage thereon, said box addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on December 14, 2004.

Signed

*Christy O'Connell*  
Christy O'Connell

## INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Listed on the accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 CFR §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited by or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. (1138 OG 37, 38 (May 19, 1992).)

Applicants have checked the appropriate boxes below.

- ☒ 1. This Information Disclosure Statement is being filed;
- ☐ a. Within three months of the U.S. filing date of a national application other than a continued prosecution application under §1.53(d);
  - ☐ b. Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
  - ☒ c. Before the mailing date of a first Office Action on the merits;
  - ☐ d. Before the mailing of a first Office Action after filing of a request for continued examination under § 1.115.

No statement under 37 CFR § 1.97(e) or fee is required.

OR

- ☐ 2. This Information Disclosure Statement is being filed after the period specified in paragraph 1(a)-1(d) above, but before the mailing date of a Final Rejection or Notice of Allowance, or action that otherwise closes prosecution in the application, and
- ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR § 1.97(e)(1), or
  - ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the

filing of this Information Disclosure Statement. 37 CFR § 1.97(e)(2),  
or

- ☐ c. Attached is our Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ in payment of the fee under 37 CFR § 1.17(p).
- ☐ 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but on or before payment of the Issue Fee. Attached is our Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ in payment of the fee under 37 CFR § 1.17(i), and
- ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR § 1.97(e)(1), or
- ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR § 1.97(e)(2).
- ☐ 4. Relevance of the non-English language document(s) is discussed in the present specification.
- ☐ 5. The document(s) was/were cited in a corresponding foreign application. An English language version of the foreign search report is attached for the Examiner's information.
- ☐ 6. A concise explanation of the relevance of the non-English language document(s) appears below:
- ☒ 7. The Examiner's attention is directed to co-pending U.S. Patent Application No. 10/774,207, filed 6 February 2004, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of

the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

- ☐ 8. Copies of the documents were cited by or submitted to the Office in Application No. \_\_\_\_\_, filed \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 CFR § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any additional fees that may be due, including extension fees, or credit any overpayment, to our Deposit Account No. 08-3038 (our Order No. 04109.0002.NPUS01).

Respectfully submitted,

HOWREY SIMON ARNOLD & WHITE, LLP

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## LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)

PTO FORM 1449

ATTY DOCKET NO

04109.0002.NPUS01

APPLICATION NO

10/800307

AFFICANT

Vladimir Matena, et al.

FILING DATE

12 March 2004

GROUP

2113



## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	1.	20020144002	10/03/02	Matena, et al.			03/19/01
	2.	20020143848	10/03/02	Matena, et al.			03/19/01
	3.						
	4.						

## FOREIGN PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	5.							
	6.							
	7.							

## OTHER REFERENCES

(Including Author, Title, Date, Pertinent Pages, Etc.)

	8.	Sun S3L3.1 Programming and Reference Guide (March 2000)
	9.	Sun Microsystems Prism 6.1 User's Guide (March 2000)
	10.	Open Telecom Platform by Seved Torstendahl (Ericsson Review No. 1, 1997)
	11.	The NDB Cluster – A Parallel Data Server for Telecommunications Applications by Mikael Ronstrom (Ericsson Review No. 4, 1997)
	12.	Cello – An ATM Transport and Control Platform by Jonas Reinius (Ericsson Review No. 2, 1999)
	13.	TelORB – The Distributed Communications Operating System by Lars Hennert and Alexander Larruy (Ericsson Review No. 3, 1999)
	14.	Ronja – A Java Application Platform by Magnus Karlson (Ericsson Review No. 4, 2000)
	15.	Ericsson's Family of Carrier-Class Technologies by Goran Ahlforn and Erik Omulf (Ericsson Review No. 4, 2001)
	16.	Sun HPC ClusterTools 3.1 User's Guide (March 2000)
	17.	Sun MPI 4.1 Programming and Reference Guide (March 2000)
	18.	Sun Microsystems Prism 6.1 Reference Manual (March 2000)
	19.	Paxos Made Simple by Leslie Lamport (November 1, 2001)
	20.	Leases: An Efficient Fault-Tolerant Mechanism for Distributed File Cache Consistency by Cary G.

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>LIST OF REFERENCES CITED BY APPLICANT</b> <i>(Use several sheets if necessary)</i>  <b>PTO FORM 1449</b>	ATTY DOCKET NO <b>04109.0002.NPUS01</b>	APPLICATION NO <b>10/800307</b>
	APPLICANT <b>Vladimir Matena, et al.</b>	
	FILING DATE <b>12 March 2004</b>	GROUP <b>2113</b>

	Gray and David R. Cheriton (1989)
21.	Java 2 Platform Enterprise Edition Specification, v1.4 (November 24, 2003)
22.	Sun Microsystems Enterprise JavaBeans Specification, Version 2.1 (November 12, 2003)
23.	Server Clusters: Architecture Overview (March 2003)
24.	Failover and Replication in a Cluster
25.	AXD 301 – A new generation ATM switching system by Staffan Blau and Jan Rooth (Ericsson Review No. 1, 1998)
26.	Managing Server Availability with Node Manager
27.	Chapter 3 Key Concepts – Administration and Application Development
28.	Microsoft Windows Server 2003 – Introducing the “.NET” in the Windows Server 2003 Family (July 2002)
29.	WebLogic Server Deployment
30.	Chapter 1 Resource Management API Overview
31.	Beowulf Software
32.	Sun Microsystems Enterprise JavaBeans Specification, Version 2.1 (August 2, 2002)
33.	Java 2 Platform Enterprise Edition Specification, v1.4 (November 8, 2002)
34.	BEA WebLogic Server and WebLogic Express Administration Guide (September 6, 2002)
35.	BEA WebLogic Server Creating and Configuring WebLogic Server Domains (September 4, 2002)

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.